

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN (DETROIT COUNTY)
SOUTHERN DIVISION

23-90086
United States Courts
Southern District of Texas
FILED

EDWARD SMITH JR. #659715,
Plaintiff,

V.

BISCHAN HASSUNIZADEH, et al.,
Defendants.

APR 23 2024
Case No. 2:22-cv-11586
Hon. NANCY G. EDMUNDS
Mag. JONATHAN OBSNER, Clerk of Court

MOTION FOR THE APPOINTMENT OF COUNSEL

Plaintiff Edward Smith, prison number 659715, requests this Court to appoint an licensed Federal Counsel to represent him in this case for the extraordinary following circumstances listed hereafter reasons:

1. The Plaintiff is unable to afford counsel.

2. The Plaintiff only have 25% of his heart that works, and is diagnosed as being in need of a second surgery to implant a second defibrillator because he experienced a near death extraordinary circumstance from the first implant he prior had that caused the doctors to immediately order a second surgery-surgical procedure be expedited to take the implanted defibrillator out his chest. The court, court ruled that partial named defendants due to his claims made shall remain parties, and that some defendants named shall be dismissed without prejudice. Defendants filed Bankruptcy, the Bankruptcy court refused to GRANT defendants requests to left the automatic stay to proceed with litigation filed at Docket No.33 that was denied for the reasons stated on the record at the then January 16, 2024 hearing.

3. The Plaintiff Edward Smith, Jr., as an incarcerated person who experienced near death circumstance for very extraordinary reasons, his experiences of near death was due to medical staff and prison officials deliberate indifferences' that has caused long-term Post Traumatic Stress documented by expert doctors and providers ability to access contracted doctors given him proper medical care follow up treatment for his serious medical needs.



This case requires extensive documentary "Stipulated and Agreed Confidential and Protective Order Regarding Production of All Documents" from the TEHUM CARE SERVICES, INCORPORATION that's listed as being debtor in possession of Plaintiff discovery needed materials. The defendants through their attorneys' and other counsels under Chapter 11 requested court to Order discovery materials be listed as "Highly Confidential-Attorneys' Eyes only!"

4. The Plaintiff have no knowledge of Federal Laws, States Laws, Legislatures' Enactments, has limited ability to access the prison law library, and often experience loss of his ability to think straight for long-periods of time to process things due to only having 25% of his heart working problems, vs. the Defendants has licensed educated numerous attorneys for their "Counsels to the Debtor and debtors' in possession; a Proposed Co/Counsel to Tort Committee; and Counsel to the Creditors' Committee" that has conflicting evidence implicating the need for Cross-Examination due to the serious denial of Mr. Edward Smith, Jr., as a prisoner needs to the case - now as a Plaintiff he needs to be appointed an licensed Federal Attorney counsel. *(See Affidavit 1 thru 6, pages)*.

Wherefore, we ask that Attorney At Law, FRANK J. LAWRENCE, DOES be appointed as counsel in this case matter? • flawrence 1@hotmail.com

Date: March 12th, 2024

/s/ Edward Smith
Edward Lee Smith, Jr., #659715
Parnall Correctional Facility (SMT)
1780 East Parnall Road
Jackson, MI 49201

Edward Lee Smith, Jr. #659715
Parnall Correctional Facility (SMT)
1780 East Parnall Road
JACKSON, MI 49201

United States Courts
Southern District of Texas
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APR 23 2024

Nathan Ochsner, Clerk of Court

Clerk of Court
United States Bankruptcy Court
Southern District of Texas
1601 Elm Street
Suite 4600
Dallas, TX 75201

Re: New Filed Motion For Appointment of Counsel.

Dear Clerk:

Enclosed, please find for filing an original marked "Judge Copy" and one copy of the following:

- 1) Plaintiff Motion for Appointment of Counsel, ps. 1-2;
- 2) Affidavit in Support of Plaintiff Edward Smith, Jr. Motion for Appointment of Counsel, ps. 1 thru 6;
- 3) PRU SE: Memorandum of Law in Support of Plaintiff Edward Lee Smith, Jr. Motion for the Appointment of Counsel, ps. 1 thru 7;
- 4) Verification and Certificate of Service p. 1 of 1;
- 5) Proof of Service, p. 1 of 18. Total pages 18 of 18.

Please find the memorandum of law in support of Edward Smith, Jr. motion for appointment of Counsel refers to facts in the affidavit with cited relevant paragraphs of affidavit, notify Plaintiff.

Date: March 12th, 2024

CC: Defendant.
File.

Sincerely,

Edward Smith

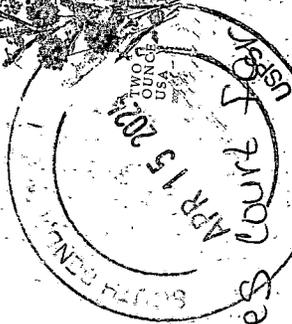
Pro Se: Edward Smith, Jr. Plaintiff

Patricia Barnhart
741 Cushing St
Apt 1
Southbend IN 46616

United States Courts
Southern District of Texas
FILED

APR 23 2024

Nathan Ochsner, Clerk of Court



United States Court For
TEXAS Southern Division
P.O. Box 61010
Houston TX 77208

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IN THE UNITED STATES DISTRICT COURT, FOR
THE EASTERN DISTRICT OF MICHIGAN (DETROIT COUNTY)
SOUTHERN DIVISION; AND THE UNITED STATES
BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

EDWARD SMITH JR, #659715,

Plaintiff,

(Civil Case No. 2:22-cv-11

HON. NANCY B. EDWARDS

MAG. JONATHAN J. BR

Chapter 11 Case No. 23-900

V.

BISCHAN HASSUNIZADEH, et al,

Defendants.

HON. Christopher Lopez

(United States Bankruptcy Ju

PROSE: AFFIDAVIT IN SUPPORT OF PLAINTIFF EDWARD SMITH,
JR., MOTION FOR APPOINTMENT OF COUNSEL

EDWARD SMITH, JR., being duly sworn, and says:

Statement of Facts

1. I am the Plaintiff in the above entitled case. I make this affidavit in support of my motion for the appointment of an licensed Federal Counsel allowed to litigate in both States, State of Texas, Houston Division, and State of Michigan Southern Divisions. (28 U.S.C. § 1746)

2. The Complaint in this case claims that the Plaintiff Mr. Smith, Jr., was subjected to deliberately indifference to his serious medical needs, and that as Plaintiff he alleges that the defendants employed with the Michigan Department of Corrections (M.D.C.) are not taken serious precautions, have not taken those precautions during certain times of his being incarcerated, or the appropriate measures to care for

his various serious medical problems; Plaintiff Mr. Smith, Jr. alleges that, "at one point of his incarceration he was referred by prison medical contracted staff to be transferred in Emergency fashion off Grounds to the Henry Ford Hospital where a defibrillator was surgically inserted into his Chest and thereafter infected that caused prison medical doctors to again for a second time to refer him in an Emergent fashion to Henry Ford Hospital for a extraordinary surgical open Chest procedure consisting Henry Ford Hospital Doctor's Clean infected area and late after some time passed sent him back to prison with Doctor's orders that were not followed; Plaintiff Mr. Smith, Jr. Claims and allege that he developed serious infections for the defibrillator being inserted into his Chest again causing prison medical Doctor's to referred him to Henry Ford Hospital for a Third time to have defibrillator taken out due to being serious infected again.

3. Since Mr. Smith, Jr. never had such problems in his life with developing infections in his Chest prior to defibrillator outside Hospital Henry Ford surgically inserted into his Chest, and his relief only came after a few attempts to stop infection instead of removing the used faulty defibrillator out his Chest, or either Check malfunctioning that has caused him deformity for life. (See ECF No. 11, Page 10, 11, filed 10/18/22, Page 3 of 5, 5)

III COMPLAINT.

This is a complex case because it contains several different legal claims from expert doctors stand points, nurses, and other healthcare professionals who are contracted with Michigan Department of Corrections (M.D.C.) to provide prisoners as Plaintiff Mr. Smith health care for their serious medical needs and in consort with Henry Ford Hospital their employed doctors that's not under contract with the State of Michigan does get financial kick-backs for their services rendered to state of Michigan prisons for treatments gave to pris Mr. Smith Jr. as Plaintiff does not know was any of the doctors he was referred to by contracted 'M.D. Doctors' to Henry Ford Hospital for outside treatment at private hospital were either state actors or private actors or not, but claim all parties had prior knowledge of his condition during all three surgical gau procedures, and condition now not having surgery due to trust issue caused by extraordinary circumstances he experienced he have no knowledge of their relationships with each other, or various claims involving many different set of defendants in different states.

5. The case involves extraordinary serious medical issues under the State of Michigan Constitution, Federal Law Michigan Supreme Court, U.S. Supreme Court, other law

of Appeals Courts that require expert testimonies maybe. The "Clear-and-Present-danger test" require experts testimonies.

NOTE: The Plaintiff EDWARD SMITH, JR, has demand a jury trial.

6. The Case will require "discovery of documents defendants requested through numerous licensed counsels be kept Confidential - licensed Attorney Eyes Only" and depositions of a number of witnesses and parties of case matter offers on Court record or considered.

7. The testimony will be in sharp conflicts. Since the Plaintiff alleges that only 25% of his heart works at times and sometime 40% works of his heart that shows in Defendants medical records kept on him concerning his serious medical needs while Defendants Successors states; "need a new defibrillator inserted," Mr. Smith, J states and allege that he often feel faint, fast heart beat, forgetfulness, isolated-distance from fast bunched medical sea extraordinary circumstances, especially when even the smallest situations present their-selves in his life. Rather the experiences are jokes, bad news or prison conditions of confinement extraordinary inhumane circumstances that present themselves at times. Mr. Smith, Jr, health just not good - but well hidden due to fear of receiving any further medical surgical treatment while incarcerated bec

his prior near deaths experiences—experienced that has made him completely distrustful.

8. The Plaintiff State he is serving a sentence while only 25% to 40% of his heart works at times, experiences of fainting spells, loss of thoughts, and he only has an high school education he ~~was~~ a few decades ago, and no kind of legal education.

9. Fact is, Plaintiff Mr. Smith, Jr., is serving a sentence incarcerated in an Eight men cubicle assign living area in the Jackson County Michigan Department of Corrections Parnall (SMT) prison facility in a block with over an hundred young men who are often acting out wild in ways that affect his health. For these reasons he has very serious extraordinary medical, psychological issues he don't speak on, limited access, legal help, don't know anything about legal materials, how to gain legal knowledge, and has no ability to investigate the facts of the case due to health issues. Due to bad news recently received for example his long-term fiance Patty recent diagnoses of cancer, her chemo treatments experienced causing her pain, me heart problems, fast and slow heart beats he never talk about except to her and one young man he originally filed this action for me I ran back into I met at different (Mr. Dr. DeLu) prisons who has some licensed attorney's he commin

and consider his friends in consort with Patty my future wife. Also the lack of his learning, remembering and having sources to help locate witnesses, interviewing the other remaining defendants who were eye-witnesses outside private hospital doctors witnesses, Defendants or others to my serious medical condition at time of defibrillator was taken out, and my being sent by prison doctors to outside private hospital.

10. As set forth in the Memorandum of Law submitted with this motion these facts along with the legal merit of Plaintiff Mr. Smith Jr., serious medical indifference claims, support the appointment of counsel to represent him in this Civil action case as he is intellectually limited due to serious extraordinary medical conditions where certain situations cause him to law down when his chest hurt to try sleeping away the pain. (Memorandum of Law, motion, Attachment 1) (B.I.L.)

WEREFORE, EDWARD SMITH, JR., et al., helped with the Plaintiff paper filings, Affidavit in hope the appointment of an licensed Federal Counsel member of the State of Michigan or Texas be appointed prefer the Attorney at Law Frank Lawrence be granted.

NOTARY: B.I. Amboy Plaintiff: S.I.

Subscribed and sworn to before me a Notary Public, on this 12TH day of March 2024

Executed: 6

RYAN B. AMBOY
NOTARY PUBLIC, STATE OF MI
COUNTY OF INGHAM
MY COMMISSION EXPIRES Feb 25, 2026
ACTING IN COUNTY OF JACKSON